



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General

Joe Manchin III  
Governor

Board of Review  
1400 Virginia Street  
Oak Hill, WV 25901

Patsy A. Hardy, FACHE, MSN, MBA  
Cabinet Secretary

October 23, 2009

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 20, 2009. Your hearing request was based on the Department of Health and Human Resources' proposal to establish a repayment claim for Supplemental Nutrition Assistance Program (SNAP) benefits of \$88 against you.

In arriving at a decision, the State Hearings Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Eligibility for SNAP is based on current policy and regulations. These regulations provide that Unemployment Compensation, including the \$25 a week increase from the American Recovery and Reinvestment Act of 2009, is counted as unearned income for SNAP (WV Income Maintenance Manual § 10.3 III).

The information submitted at your hearing revealed that you were overissued \$88 in SNAP benefits for your failure to report the full amount of your Unemployment Income.

It is the decision of the State Hearings Officer to **Uphold** the proposal of the Department to establish a SNAP repayment claim against you.

Sincerely,

Kristi Logan  
State Hearings Officer  
Member, State Board of Review

cc: Chairman, Board of Review  
Christine Allen, Repayment Investigator

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
BOARD OF REVIEW**

-----,

**Respondent,**

**v.**

**Action Number: 09-BOR-1769**

**West Virginia Department of  
Health and Human Resources,**

**Movant.**

**DECISION OF STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on October 20, 2009 for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on October 20, 2009 on a timely appeal, filed August 26, 2009.

**II. PROGRAM PURPOSE:**

The Program entitled Supplemental Nutrition Assistance Program (SNAP) is administered by the West Virginia Department of Health & Human Resources.

The purpose of SNAP is to provide an effective means of utilizing the nation's abundance of food "to safeguard the health and well-being of the nation's population and raise levels of nutrition among low-income households." This is accomplished through the issuance of EBT benefits to households who meet the eligibility criteria established by the Food and Nutrition Service of the U.S. Department of Agriculture.

**III. PARTICIPANTS:**

-----, Respondent

Christine Allen, Repayment Investigator

Presiding at the Hearing was Kristi Logan , State Hearing Officer and a member of the Board of Review.

This hearing was held by videoconference.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not Respondent should be responsible for a repayment of SNAP benefits.

**V. APPLICABLE POLICY:**

WV Income Maintenance Manual § 2.2 B, 10.3 IIII and Appendix A; 20.2

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Fair Hearing Summary
- D-2 SNAP Claim Determination Form
- D-3 Case Members History Screen (AQCM) from RAPIDS Computer System
- D-4 SNAP Issuance History Screen (IQFS) from RAPIDS Computer System
- D-5 SNAP Approval Letter dated March 20, 2009
- D-6 Benefit Payment History from BEP System
- D-7 BEP Unemployment Compensation Details from Data Exchange
- D-8 Case Comments (CMCC) from RAPIDS Computer System
- D-9 Combined Application Form dated March 16, 2009
- D-10 Rights and Responsibilities Form dated March 16, 2009
- D-11 Benefit Recovery Referral Screen (BVRF) from RAPIDS Computer System
- D-12 Repayment Notification Letter dated August 11, 2009
- D-13 WV Income Maintenance Manual § 1.2 E
- D-14 WV Income Maintenance Manual § 10.4 A(4)
- D-15 WV Income Maintenance Manual § 2.2 B
- D-16 WV Income Maintenance Manual § 2.2 B(2)
- D-17 WV Income Maintenance Manual § 20.1 and 20.2

**Respondents' Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) Respondent applied for SNAP on March 16, 2009. He reported his employment had ended and was expecting to be approved for Unemployment Compensation (UCI). On March 23, 2009 Respondent reported he had been approved for UCI of \$424 weekly. His SNAP benefits were adjusted to reflect this income (D-8).

- 2) Respondent's SNAP benefits were reviewed on July 29, 2009 at which time it was discovered that Respondent had been receiving a UCI stimulus payment of \$25 weekly in addition to the UCI of \$424 weekly since March 2009. Respondent's gross monthly income of \$1930.70 exceeded the allowable limit for SNAP. Respondent's SNAP benefits were terminated and a referral for repayment was made (D-6, D-7 and D-8).
- 3) The Department contends Respondent incorrectly reported his UCI income as \$424 weekly instead of \$449 weekly. Respondent was required to report any income that exceeded the SNAP limits for his household size. The result was an overpayment of \$88 in SNAP benefits issued from May 2009 to August 2009.
- 4) Respondent gave testimony that he did not report the \$25 weekly stimulus payment because he did not think it would be counted for SNAP and felt like it should not be considered countable income.
- 5) WV Income Maintenance Manual § 10.3 IIII states:

The following chart lists sources of income. The chart indicates if the source of income is counted and, if so, indicates if the income is earned, self-employment or unearned. If special conditions apply, there is a narrative in the appropriate program column.

Unemployment Compensation: Unearned [for SNAP]

Note: The \$25/week increase in UCI benefits from the American Recovery and Reinvestment Act of 2009 is unearned income.

- 6) WV Income Maintenance Manual § 2.2 B(1) states:

Once approved, all Assistance Groups (AG) must report when the total gross earned and unearned income of the AG and all other individuals who reside with the AG exceeds the AG's gross income limit. This must be reported no later than the 10<sup>th</sup> calendar day of the month following the month in which the change occurs.
- 7) WV Income Maintenance Manual Chapter 10 Appendix A states:

SNAP Gross Income Limit (for AG of 3) Effective October 1, 2008:  
\$1907
- 7) WV Income Maintenance Manual § 20.2 states:

When an AG has been issued more SNAP than it was entitled to receive, corrective action is taken by establishing either an Unintentional Program Violation (UPV) or Intentional Program Violation (IPV) claim. The claim is the difference between the coupon entitlement of the AG and the coupon allotment the AG was entitled to receive.

## **VIII. CONCLUSIONS OF LAW:**

- 1) Policy dictates that after SNAP approval, individuals must report all income that exceeds the allowable income limits for their assistance group size. Policy also holds that Unemployment Compensation and the \$25 weekly stimulus amount funded by the American Recovery and Reinvestment Act of 2009 count as unearned income for SNAP.
- 2) Respondent's income from Unemployment Compensation of \$449 weekly, converted to \$1930.70 monthly, exceeded the allowable income limit for SNAP. Respondent should have reported this income at its onset in March 2009. An overpayment of \$88 occurred as a result when the \$25 weekly stimulus income was not considered in calculating Respondent's SNAP entitlement.
- 3) Respondent is liable for the repayment of \$88 received for which he was not eligible.

## **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to establish a repayment claim of \$88 against Respondent.

## **X. RIGHT OF APPEAL:**

See Attachment

## **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 23<sup>rd</sup> day of October 2009.**

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**Kristi Logan**  
**State Hearing Officer**